

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CR00739 ERW
)	
FRANK FELIX GONZALES,)	
)	
Defendant.)	

ORDER

This matter comes before the Court on Motion to Continue Trial Setting [doc. #11] by Defendant Frank Felix Gonzales. Counsel for the Government has consented to this request and the Defendant has agreed to file with this Court a signed waiver of his rights under the Speedy Trial Act, 18 U.S.C. § 3161.

Defendant is charged in a multi-count indictment charging possession with the intent to distribute Schedule II Controlled Substances. Two co-defendants remain at large and Defendant Gonzales has been released on bond residing in California. Due to the multiple jurisdictions involved and the likelihood of voluminous discovery, Defendant Gonzales seeks additional time to file pretrial motions before the Magistrate Judge and a continuance of the April 16, 2007 trial date. Defendant has requested an additional two months from the original trial setting. Defendant's request will be granted in part.

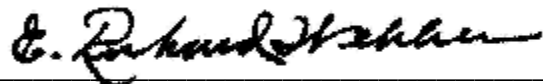
This Court, upon careful consideration and on review of the record, finds that the ends of justice would be served by

continuing the trial setting to May 21, 2007, and that a continuance of these proceedings outweighs the best interest of the public and the Defendant in a speedy trial. Furthermore, failure to grant a continuance would deny counsel for the government and defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court concludes that a miscarriage of justice will result to Defendant unless a continuance is granted because of time required to process pretrial motions.

Accordingly,

IT IS HEREBY ORDERED that Motion to Continue Trial Date [doc. #11] is **GRANTED**, in part. Defendant Frank Feliz Gonzales shall file with this Court a signed waiver of his rights under the Speedy Trial Act, 18 U.S.C. § 3161, no later than February 20, 2007. Upon receipt of the signed Waiver of Speedy Trial the April 16, 2007 trial date will be vacated and rest to May 21, 2007, at 8:30 a.m.

So Ordered this 9th Day of February, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE